

REMARKS

Claims 1-21 are pending in the present application. Claims 1, 14 and 18 are the independent claims. Claim 18 has been amended as set forth above. No new matter was added.

In the Official Action dated June 14, 2005 (“Official Action”) an objection to the acronym “ACE” was withdrawn. Official Action, page 2, item 2. It was also acknowledged that the rejection under 35 U.S.C. § 112, second paragraph, was overcome by amending claim 1 with the word “support.” Official Action, page 2, item 3. Applicants thank Examiner for working to move the application forward.

The Official Action also persisted in the rejection of claims 1-17 and 18-21 under 35 U.S.C. § 103(a) as allegedly obvious over “SiteMinder Delivers Industry-Leading Performance, Scalability and Reliability” (December 1999) (hereinafter “**Netegrity**”) in view of U.S. Publication No. 2001/0021926A1 (hereinafter “**Schneck**”), and U.S. Patent No. 5,469,556 (hereinafter “**Clifton**”), respectively.

Applicants respectfully request reconsideration of the basis for the rejections of claims 1-17. Applicants note that “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” MPEP 2142, first paragraph. Furthermore:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.

MPEP 2142, under “ESTABLISHING A *PRIMA FACIE* CASE OF OBVIOUSNESS,” first paragraph. One or more of the above requirements from the MPEP is missing in the outstanding rejections, as will be explained in detail below.

Claim 1

First, with respect to claim 1, the Official Action admits that “**Netegrity** does not explicitly teach the how (sic) “the static maximum allowed access data” is determined.” Official Action, page 9, second paragraph. The portion of claim 1 that includes this limitation reads as follows:

determining a static maximum allowed access data structure pursuant to an evaluation of the first access request, wherein the static maximum allowed access data structure includes information representative of a set of policies that is reduced to static form that is common to a class of access requests;

(emphasis added). Thus, the Official Action admits that **Netegrity** does not teach how the static maximum allowed access data structure is determined, which as set forth in claim 1 involves evaluation of the first access request. Applicants agree with Examiner in this regard, and emphasize that while **Netegrity** merely caches access requests, claim 1 contemplates evaluation of an access request.

The Official Action next asserts that **Schneck** cures the deficiency of **Netegrity**. As stated in the Official Action, “**Schneck** discloses how the access control quantities can be determined by including some items including an “allowable size of read-access to the data.”” Official Action, page 9, third paragraph.

Applicants believe that on reconsideration Examiner will agree that even if **Schneck** discloses that which Examiner proposes, **Schneck** does not teach or otherwise imply “an evaluation of the first access request” as required by the claim.

In other words, “determining a static maximum allowed access data structure pursuant to an evaluation of the first access request,” simply cannot be deemed similar to determining access control quantities including an allowable size of read-access to the data. Therefore, the requirement in MPEP 2142 that the prior art teach or suggest all claim limitations has not been met in the rejection of claim 1.

Also with regard to claim 1, Applicants note that the Official Action does not specifically reference any teaching or suggestion in either **Netegrity** or **Schneck** to make the claimed combination. Instead, the Official Action asserts motivation “in order to increase the performance and optimization of the resources.” Official Action, page 9, last paragraph. Applicants do not understand what exactly is meant by “performance and optimization of the resources,” and maintain that in any event, this cited motivation does not imply a specific motivation to combine the particular aspects of **Netegrity** and **Schneck** that are advanced in the rejection. Therefore, the requirement in MPEP 2142 that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art has not been met in the rejection of claim 1.

Applicants would also like to point out at least one misquote of the prior art in the Official Action. Official Action page 3, third paragraph, cites **Netegrity** as stating, “When the web agent is initialized, it establishes or enforces a static and dynamic access policy or cache of information...” In fact, the cited **Netegrity** section provides, “When the Web Agent is initialized, it establishes a cache of information about resources that are protected by this

Agent.” Applicants request that quotation marks be reserved for exact word-for-word quotation from the cited source to avoid confusion. Applicants also emphasize that the remarks made herein are directed to the most notable deficiencies in the rejections, and no admission is made as to the correct interpretation of the references through quotation or otherwise.

Claim 14

Next, with respect to claim 14, Applicants first note that the rejection of claim 14 has the same problems as the rejection of claim 1. Similar to claim 1, claim 14 provides that a “static maximum allowed access data structure is determined pursuant to an evaluation of a first access request.”

As discussed above, the Official Action first admits that **Netegrity** does not teach how the static maximum allowed access data structure is determined (Official Action, page 9, second paragraph), and then fails to allege that **Schneck** discloses the aspect of the claim that is directed to such determination, namely evaluation of a first access request (Official Action, page 9, third paragraph). Therefore, the requirement in MPEP 2142 that the prior art teach or suggest all claim limitations has not been met in the rejection of claim 14.

The motivation advanced in the Official Action to combine **Schneck** and **Netegrity** to teach claim 14 is also deficient as described above with respect to claim 1. Therefore, the requirement in MPEP 2142 that the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art has not been met in the rejection of claim 14.

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37 CFR § 1.116**

Reconsideration of the outstanding rejection of claim 14 is also requested because the Official Action addressed claim 1 and claim 14 in a single analysis, despite several notable differences between the claims. Official Action, pages 7-9, item 7. The Official Action analysis did not discuss those elements in claim 14 that differ from claim 1. The rejection is thus improper because it does not demonstrate that the prior art references teach or suggest all the claim limitations, as required by MPEP 2142.

Elements of claim 14 that are not addressed in the Official Action include: “a resource manager that manages and controls access to a resource,” and “extensible support for application-defined business rules via a set of APIs and DACLs.”

Claim 18

Finally, Applicants have amended claim 18 to incorporate a limitation that at least one property of said static maximum allowed access data structure is determined by an evaluation of an access request. This limitation is also substantially present in claims 1 and 14, and is discussed above. Applicants request reconsideration and allowance of claim 18 in light of the amendment.

Dependent Claims 2-13, 15-17 and 19-21

Claims 2-13, 15-17 and 19-21 depend from claims 1, 14 and 18, either directly or indirectly, and are believed allowable for the same reasons. Withdrawal of the rejection to claims 1-21 under 35 U.S.C. § 103(a) is respectfully requested.

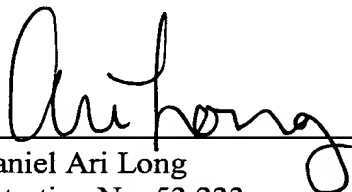
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CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submits that Claims 1-21 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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